

REMARKS

Claims 1 and 4-8 have been amended. No claims have been cancelled and no new claims have been added. No new matter has been added by this Amendment and Remarks.

Starting at page 2 of the Office Action, claims 1, 2 and 4-11 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. First, the Examiner contended that the language “An amide derivative, which is a compound of” was vague and unclear. Claim 1 has been amended to delete the language “, which is a compound” (there was no “of” after “compound” in claim 1). Applicants respectfully submit that this amendment overcomes the rejection.

The Examiner also contended that the term “cyclic amino group” was vague and indefinite. This rejection is respectfully traversed. First, the phrase in question is “saturated cyclic amino group”, not “cyclic amino group”. Second the term “saturated cyclic amino group” is a term which is well known in the art, and means a saturated ring wherein at least one of the ring numbers is nitrogen.

Perhaps the Examiner’s confusion arose from the proviso at the end of the A choices. That proviso, however, has been amended to clearly state that the moieties listed therein are excluded. Thus, in view of the above remarks and the amendment of the proviso at the end of A, applicants respectfully request reconsideration of the rejection and allowance of all claims.

In paragraph 2 at page 3 of the Office Action, the Examiner contended that the exception at the end of the A choice was not clear, in that it was not clear whether the exception excludes some choices or includes some choices. Claim 1 has been amended to clearly state that this exception excludes these choices. Accordingly, this rejection is deemed overcome.

In paragraph 3 of the Office Action, the Examiner rejected claims 5-8 as being duplicates of claim 4. Claims 5-8 have been amended to claim dependency from claim 4, not claim 1. Accordingly, reconsideration of this rejection is respectfully requested.

Finally, starting at page 3 of the Office Action, claims 1-11 have been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,521,184 to Zimmermann, et al. ("Zimmermann").

This rejection is respectfully traversed. The claimed compounds have an excellent inhibitory effect on BCR-ABL tyrosine kinase. As is apparent from the results shown in Table 1 at page 123 of the instant specification, the claimed compounds have an inhibitory effect several times to several hundred times stronger than that of the control chemical. The control chemical is Example 21 described in Zimmermann. Also, the control drug is presently on the market, sold under the trade name Gleevec® by Novartis Corp. See also the paragraph bridging pages 31 and 32 of the instant specification.

Given the surprising and unexpected results over the prior art, applicants respectfully request that the obviousness rejection be withdrawn.

AUTHORIZATION

If the Examiner believes that issues may be resolved by telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 801-2134. The undersigned may also be contacted by e-mail at diebnerg@gtlaw.com.

A three (3) month extension of time fee of \$1,020.00 is due for the filing of this Amendment and Remarks. The Commissioner is hereby authorized to charge that fee, or any additional fees which may be required for this Amendment and Remarks, or credit any overpayment to Deposit Account No. 50-1561.

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Respectfully submitted,

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